

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

S.E.C.,

Plaintiff,

-against-

Stewart, et al.,

Defendants.

No. 98 CV 2636 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

Before the Court are Mr. Gottlieb's latest letters seeking to lift his filing bar in full and to compel the Gottliebs' former attorney, Mr. Eisemann, to turn over "all work" for which he was paid \$56,428. (Dkt. nos. 526-27.)

On April 5, 2024, the Court entered an order modifying Mr. Gottlieb's filing bar to permit for the filing of moving and reply papers, consistent with the S.D.N.Y. Local Rules and this Court's Individual Practices, on the remaining issue of Mrs. Gottlieb's monetary contributions to the marital home. (See dkt. no. 521.) Mr. Gottlieb now argues that the filing bar should be lifted in full as "it would be extremely prejudicial and unjust to have any restrictions or limitations placed on our abilities to defend ourselves that would not be placed on an attorney if we had one." (Dkt. no. 526.) Notwithstanding Mr. Gottlieb's assertions, an attorney appearing on his behalf would be required to file moving and reply papers that comply with

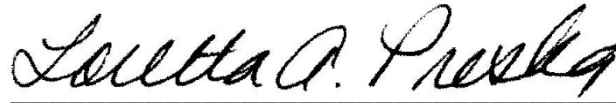
the Local Rules and this Court's Individual Practices. The modified filing bar therefore does not hamper the Gottliebs' ability to proceed pro se on the remaining issue if they so choose. A glance at the civil docket sheet confirms the same, as each of Mr. Gottlieb's mailings regarding the instant issue have been filed on the public docket.

Additionally, the Gottliebs now raise a new issue regarding the turnover of files for which Mr. Eisemann received compensation. To the extent that Mr. Eisemann has not already done so, he is directed to deliver to the Gottliebs, consistent with his obligations under N.Y. Rule of Professional Conduct 1.16, all papers and property to which the Gottliebs are entitled. The Gottliebs shall promptly serve a copy of this Order on Mr. Eisemann no later than May 3, 2024.

The Gottliebs are further reminded that, pursuant to the briefing schedule entered on April 15, 2024, [dkt. no. 524], the deadline to file their moving brief regarding Mrs. Gottlieb's dollar-value contributions to the marital home is May 10, 2024. Should the Gottliebs need additional time in light of the above, they are directed to confer with the SEC and to propose a joint revised scheduling order to the Court no later than May 10, 2024. Failure to file a moving brief or revised scheduling order by May 10, 2024 may result in sanctions.

SO ORDERED.

Dated: April 30, 2024
New York, New York

A handwritten signature in black ink, reading "Loretta A. Preska". The signature is written in a cursive, flowing style. The first name "Loretta" is written with a large, ornate capital "L". The middle initial "A." is written in a smaller, simpler cursive. The last name "Preska" is written with a capital "P" and a trailing flourish.

LORETTA A. PRESKA
Senior United States District Judge